

REMARKS

This paper is responsive to a *final* Office action dated December 4, 2008. Claims 1-33 and 36-38 were examined. New claims 39-41 are added.

Claim Rejections

Claims 1-4, 8-22, 24-33, and 36-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 99/05814 (hereinafter "*Dickinson*"). Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dickinson* in view of U.S. Patent No. 5,627,764 to Schutzman et al. (hereinafter "*Schutzman*"). Claims 6-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dickinson* in view of *Schutzman*, and further in view of U.S. Patent No. 5,771,355 to Kuzma (hereinafter "*Kuzma*"). Finally, claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dickinson* in view of *Kuzma*.

Applicant respectfully requests that the Office reconsider its evaluation of arguments presented in Applicant's prior response of 29 September 2008. In maintaining its rejections, the Office fundamentally misapprehends the applied art as well as the law. In particular, the Office simply asserts disclosure not actually contained in the applied references and suggests that it is entitled to do so under a "broadest reasonable interpretation" standard. With all due respect, no such standard governs either the evaluation of what a reference discloses under § 102 or the scope and content inquiry under § 103. In this regard, the Office attribution of disclosure to the applied references notwithstanding actual disclosure thereof, and its dismissal of applicants clear identification (in the last response, which is incorporated herein by reference) of specific deficiencies in reliance on an improper standard constitutes *clear legal error*.

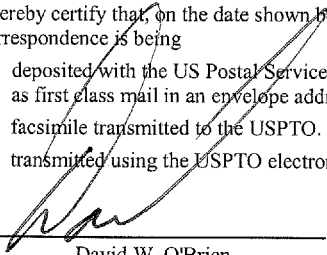
Applicant respectfully requests reconsideration and allowance of the pending claims.

Amendment

Claims 39-41 are added to secure an appropriate range of protection. No new matter is added.

Conclusion

In summary, claims 1-33 and 36-41 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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 David W. O'Brien	<u>4-Feb-09</u> Date

Respectfully submitted,

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